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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,557	12/20/2007	David A. Nowicky	89843.076303	7839
23469 7590 04/02/2009 JAECKLE FLEISCHMANN & MUGEL, LLP 190 Linden Oaks ROCHESTER, NY 14625-2812				
EXAMINER BOSWELL, CHRISTOPHER J				
ART UNIT 3673		PAPER NUMBER		
NOTIFICATION DATE 04/02/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/585,557

Applicant(s)

NOWICKY ET AL.

Examiner

CHRISTOPHER BOSWELL

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-29 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,377,514 to Robbins et al.

Robbins et al. disclose an escutcheon plate assembly for a fire-resistant enclosure (10), the enclosure having a drawer (12) with a front panel (the front surface of the enclosure), wherein the front panel has an opening (the funnels within 36, 38, 50 and 52) defined therein, the escutcheon plate assembly comprising an escutcheon plate body (24 and 26) adapted to be positioned within the opening in the front panel (figure 1); at least one flange (88 and 98) extending outwardly from the escutcheon plate body; and a fastening clip (90 and 92) that is adapted to be positioned between the front panel and the at least one flange (figures 7 and 8), as in claim 1.

Robbins et al. also disclose the at least one flange includes first (the majority of flange 88 and 98) and second portions (the cutout portion of the flange to allow the hook to swing through; defined by 100, 102, 104 and 106), wherein the first portion extends outwardly at a first distance from the escutcheon plate body (the full distance of the flange), and wherein the second portion extends outwardly at a second distance from the escutcheon plate body (figure 10 shows the cut

away to allow the movement of the hook), as in claim 2, wherein the first distance is greater than the second distance (figure 10), as in claim 3, and the first distance is approximately two times greater than the second distance (figure 10), as in claim 4, as well as a slot (the deepest cutout portion adjacent 106) is defined in the first portion of the at least one flange, as in claim 5.

Robbins et al. further disclose the fastening clip has an opening (the space between the clip and the wall) defined therein, wherein a snap arm (the base portion of the clip) extends from a main body of the fastening clip and is positioned within the opening, and wherein the snap arm has a protrusion (the distal end of the clip) extending therefrom that fits within a snap opening (80 and 82) defined in the at least one flange, as in claim 6, wherein the fastening clip further includes a ridge (the peripheral edge of the clip) formed along an edge of the fastening clip, as in claim 7.

Robbins et al. additionally disclose the escutcheon plate body has a handle recess (112) defined therein, as in claim 8, further comprising a locking assembly (22) coupled with the escutcheon plate body, as in claim 9, as well as the escutcheon plate body includes a side edge (the peripheral edges of the escutcheon), and wherein the at least one flange extends from the side edge (figure 8), as in claim 10, and the at least one flange and the front panel overlap (figure 11), as in claim 11, wherein at least a portion of the at least one flange is positioned adjacent to a back surface of the front panel (the flange lays contiguous to the back surface when assembled), as in claim 12.

Robbins et al. also disclose the at least one flange includes an extension wall (the portion of the flange that extends orthogonal to the base of the assembly) and an offset wall (the angled portion of the flange), wherein the extension wall and the offset wall define a slot (the outer

portion of the extension wall), and wherein the slot is adapted to receive the fastening clip (figures 7 and 8), as in claim 13, wherein the extension wall extends in a generally perpendicular direction away from a back surface of the front panel (figure 8), and wherein the offset wall extends from the extension wall in a direction that is generally parallel to the back surface of the front panel (the offset wall extends in a generally orthogonal direction), as in claim 14, and where the fastening clip has an opening (the space between the clip and the wall) defined therein, wherein a snap arm (the base portion of the clip) extends from a main body of the fastening clip and is positioned within the opening defined in the fastening clip, and wherein the snap and has a protrusion (the distal end of the clip) extending therefrom that fits within a snap opening (80, 82, 84 and 86) defined in the offset wall, as in claim 15.

Robbins et al. further disclose an escutcheon plate assembly (10) for a fire-resistant enclosure, the enclosure having a drawer (12) with a front panel (the front surface of the enclosure), wherein the front panel has an opening (the funnels within 36, 38, 50 and 52) defined therein, the escutcheon plate assembly comprising an escutcheon plate body (24 and 26) adapted to be positioned within the opening in the front panel (figure 1); at least one flange (24 and 26) including first (the majority of flange 88 and 98) and second portions (the cutout portion of the flange to allow the hook to swing through; defined by 100 and 102, 104 and 106), the first portion extending outwardly at a first distance from the escutcheon plate body (the full width of the flange), the second portion extending outwardly at a second distance from the escutcheon plate body (figure 10 shows the cut away to allow the movement of the hook), the first distance being greater than the second distance (figure 10), the first portion including an extension wall

and an offset wall that define a slot (the deepest cutout portion adjacent to 106); and a fastening clip (90 and 92) that is adapted to be positioned within the slot between the front panel and the first portion of the at least one flange (figures 7 and 8), as in claim 16.

Robbins et al. additionally disclose the first distance is approximately two times greater than the second distance (figure 10), as in claim 17, and the fastening clip further includes a ridge (the peripheral edge of the clip) formed along an edge of the fastening clip, as in claim 18, as well as the escutcheon plate body has a handle recess (112) defined therein, as in claim 19, further comprising a locking assembly (22) coupled with the escutcheon plate body, as in claim 20, as well as the at least one flange and the front panel overlap (figure 11), as in claim 21.

Robbins et al. also disclose the extension wall extends in a generally perpendicular direction away from a back surface of the front panel (figure 8), and wherein the offset wall extends from the extension wall in a direction that is generally parallel to the back surface of the front panel (the offset wall extends in a generally orthogonal direction), as in claim 22, as well as the fastening clip has an opening (the space between the clip and the wall) defined therein, wherein a snap arm (the base portion of the clip) extends from a main body of the fastening clip and is positioned within the opening defined in the fastening clip, and wherein the snap and has a protrusion (the distal end of the clip) extending therefrom that fits within a snap opening (80, 82, 84 and 86) defined in the offset wall, as in claim 23.

Robbins et al. further disclose a fire-resistant enclosure comprising an internal housing (the exterior surface of the enclosure) including a front access opening and a rear wall (the surface between elements 36, 38, 50 and 52); a front panel (36, 38, 50 and 52) for covering the

front access opening of the internal housing, the front panel having an opening (the funnels 36, 38, 50 and 52) within defined therein; an escutcheon plate assembly positioned within the opening in the front panel, the escutcheon plate assembly having a body (24 and 26) with a handle recess (112) defined therein; and a rear shell (the raised outer surface of 24) covering at least a portion of the rear wall of the internal housing, wherein the rear shell is positioned opposite of the front panel, and wherein the rear shell includes a handle recess insert (28), as in claim 24.

Robbins et al. additionally disclose the handle recess insert is integrally formed in the rear shell (figure 1), as in claim 25, and the escutcheon plate assembly further comprises at least one flange (88 and 98) extending from the body, wherein the flange has a slot (the inward facing surface of the flange) defined therein; and a fastening clip (90 and 92) that is adapted to be positioned within the slot, as in claim 26, wherein the at least one flange includes first (the majority of flange 88 and 98) and second portions (the cutout portion of the flange to allow the hook to swing through; defined by 100 and 102, 104 and 106), wherein the first portion extends from the body at a first distance (the full width of the flange), and wherein the second portion extends from the body at a second distance (figure 10 shows the cut away to allow the movement of the hook), as in claim 27, and the first distance is greater than the second distance (figure 10), as in claim 28, as well as the slot is formed in the first portion of the flange (figures 7 and 8), as in claim 29.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to escutcheon plate assemblies:

U.S. Patent Number 6,764,148 to Morris et al., U.S. Patent Number 5,603,559 to Zemini, U.S. Patent Number 4,893,397 to Hughes, U.S. Patent Number 1,666,486 to Brainer et al., U.S. Patent Number 10,661 to Marland, U.S. Patent Application Publication Number 2007/0252490 to Cleveland et al., U.S. Patent Application Publication Number 2004/0119380 to Doerflinger et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER BOSWELL whose telephone number is (571)272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas B Will/ for Patricia Engle
Supervisory Patent Examiner, Art Unit 3673

Christopher Boswell
Examiner
Art Unit 3673

CJB /cb/
March 24, 2009